

REMARKS

Claims 1-10 are pending and under consideration.

Claims 1-8 and 10 are rejected under 35 USC 103(a) as being unpatentable over Ohsawa, U.S. Patent No. 6,633,302, in view of Senn, U.S. Patent No. 6,338,030. This rejection is respectfully traversed.

According to claim 1, first image data and second image data are transmitted. The first image data is formed of color components used to output an image in an output medium and the second image data is formed of color components of a color space enabling a measurement by a colorimeter for at least one color included in the image, and data on a position or an area of the image where a color corresponding to the second image data is present. Paragraph [0045] of this application explains the features of claim 1 in a concise manner. The specification teaches that an image file F (see Fig. 1) to be transmitted from a creator A to a third person B includes image data (such as RGB data) used to output the image G on a display, color value data (for example, color value data in an XYZ color space) obtained by actually measuring a displayed color with a colorimeter for at least one color of the image G displayed on the display, and data on a position in the image G where the color measurement was conducted. The actually measured color value data and the color measurement position data are attached to the image data and transmitted.

The Examiner asserts that Ohsawa discloses a color reproduction system for displaying desired colors in a color image display unit, operating on a system, that prepares image data to be reproduced through color correction. The Examiner also asserts that Senn teaches measuring the spectral emission or transmission values of a desired object, converting these values to color data as files and allowing for exchange of these files through a network connection or the Internet. The Examiner then asserts that it would have been obvious to combine the techniques of Senn and Ohsawa “since the techniques of Senn would allow for the remote correction of image characteristics and specific color correction/conversion techniques of Ohsawa.” (see paragraph 5 of the Action). Applicants respectfully disagree.

The Examiner asserts that the X, Y, Z data which is output from image data input unit 100 in Fig. 1 corresponds to the claimed second image data and that the calculated coefficients correspond to the claimed data on a position or an area of the image where a color corresponding to the second image data are present. According to the Examiner's assertion, to meet the claimed invention, Ohsawa would have to transmit the input image data, the converted X, Y, Z data (or second data) and the calculated coefficients. Applicants submit that Senn fails to provide adequate motivation for modifying Ohsawa to do so.

Senn discusses the drawbacks in the ways information measured in various measuring devices can be shared. Senn discloses that spectrophotometers, densitometers and color meters having measuring units, control arrangements and an input/output units are typically connected for data exchange with external processors by way of a manufacturer-specific protocol and an interface (col. 1, lines 14-18). Senn teaches that even though data formats for the exchange of color data are standardized by different standards organizations, measured data from a measurement instrument is not available in standardized file format because these formats cannot be reproduced directly by the meter (col. 1, lines 49-60). Senn's invention is therefore directed to a way for information to be shared directly with external processors or over a network without a manufacturer specific data exchange protocol (col. 2, lines 13-17). Thus, Senn discloses a way of taking measurement data directly from the measurement device and transmitting that information over a network. This would not have provided motivation to one of ordinary skill in the art to modify Ohsawa to transmit the input image data, the converted X, Y, Z data (or second data) and the calculated coefficients. Discussing that one of the measuring devices discussed in Senn is a device which measures color, Senn would not have led one of ordinary skill in the art to look to Senn to modify Ohsawa, and certainly not for the benefits discussed by the Examiner. At best, Senn would motivate one to transmit raw measured data to an external processor, not input image data, converted image data and position data. Merely transmitting data of any kind over a network is not new to either Senn nor Ohsawa, and the disclosure of such is not sufficient motivation to modify Ohsawa in the manner suggested by the Examiner.

The Examiner asserted that the techniques of Senn would allow for the remote correction of image characteristics and specific color correction/conversion techniques of Ohsawa, but Senn does not stand for this proposition. Senn merely provides a way of transmitting information directly from a measuring device to an external processor without the use of a manufacturer-specific data exchange protocol. The Examiner is attributing teachings to Senn that are simply not there. Thus, there would have been no motivation to modify Ohsawa in light of the teachings of Senn. Accordingly, Applicants request that this rejection be withdrawn.


Claim 9 is rejected under 35 USC 103(a) as being unpatentable over Ohsawa, Senn and further in view of Sato, U.S. Patent No. 6,125,199. This rejection is respectfully traversed.

As stated above, there would have been no motivation to have modified Ohsawa in view of Senn. Thus, claim 9 is allowable for the reasons set forth above. Applicants request that this rejection be withdrawn.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 325772027800.

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